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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,428	02/02/2007	Robert Allen	J&J5229USPCT	3186
27777 7590 10/02/2009 PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA			EXAMINER	
			KALLIS, RUSSELL	
	N & JOHNSON PLAZ VICK, NJ 08933-7003		ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			10/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)					
	10/581,428	ALLEN ET AL.					
Office Action Summary	Examiner	Art Unit					
	RUSSELL KALLIS	1638					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	Lely filed the mailing date of this communication. (35 U.S.C. § 133).					
Status							
1)⊠ Responsive to communication(s) filed on <u>02 Ju</u>	ne 2006.						
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<i>,</i> —	/ 						
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4)⊠ Claim(s) <u>1-97</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.							
6)☐ Claim(s) is/are rejected.	· · · · · · · · · · · · · · · · · · ·						
7) Claim(s) is/are objected to.							
8) Claim(s) 1-97 are subject to restriction and/or e	election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examine	r						
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119		, teller, et lettin 1 10 102					
	nuicuitu undan 25 H.C.C. \$ 440/a)	(4) 0 (5)					
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(a) or (t).					
·— ·—	a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
See the attached detailed Office action for a list of	or the certified copies not receive	a.					
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da 5) Notice of Informal P						
Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	6) Other:						

DETAILED ACTION

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Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-79, drawn to nucleic acids, plant cells, plants and methods thereby drawn to inhibition of accumulation of at least one benzylisoquinoline alkaloid above normal levels.

Group II, claim(s) 80-96, drawn to straw extract, opium or latex extract, alkaloid extract and methods of extracting thereof.

Group III, claim(s) 97, drawn to a deposited microorganism.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: there is no special technical feature because a cytochrome P450 encoding sequence from poppy involved in a step of the alkaloid biosynthetic pathway was known in the art. Rosco *et al* (Arch. Biochem. Biophys.1997 Dec 15; 348(2): pp. 369-377) teach cloning and heterologous expression of NADPH-cytochrome P450 reductases from Papaveraceae (see abstract and entire article).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to RUSSELL KALLIS whose telephone number is (571)272-0798. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Russell Kallis/ Primary Examiner, Art Unit 1638 September 30, 2009